

January 10, 2014

Mike Dacey  
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**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: January 6, 2014

**SUBJECT: RICHARD AND MAUREEN CICCHITELLI**  
**County File Number: SUB2012-00031 / CO 12-0080**  
**Document Number: 2014-001\_SRB**

LOCATED WITHIN COASTAL ZONE: NO

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map, the Subdivision Review Board may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

If you disagree with this action, pursuant to County Real Property Division Ordinance Section 21.04.020, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days from the date of the action, in writing, to the Department of Planning and Building. The appeal fee is \$850.00 and must accompany your appeal form. We will only accept the original appeal form with an original signature, as a FAX will not be accepted.

If you have questions regarding your project, please contact your **Project Manager, Stephanie Fuhs**, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5718.

Sincerely,

NICOLE RETANA, SECRETARY  
COUNTY SUBDIVISION REVIEW BOARD

cc: Public Works Department

## **FINDINGS - EXHIBIT A**

### **CICCHITELLI PARCEL MAP (SUB2012-00031/CO12-0080)**

#### *Environmental Determination*

- A. The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.

#### *Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Single Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single family residences and residential accessory uses allowed in the Residential Single Family land use category.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a single family residence and accessory uses allowed in the Residential Single Family land use category.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project site is in an urbanized area that is not in close proximity to significant fish or wildlife habitats.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

#### *Road Improvements*

- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel.

### *Road Exceptions*

- K. That there are special circumstances or conditions affecting the property being subdivided because the project site is located at the end of Grell Lane which is currently a private easement serving more than five parcels. Granting of an exception will allow for A-1 improvements instead of the normally required A-2 standards and will require a fire department turnaround be constructed. This exception will allow for road improvements consistent with existing development patterns along Grell Lane.
- L. That the granting of the adjustment will not be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety because the parcel being subdivided is located on a private easement that is currently serving more than five parcels. Grell Lane is not a through road currently and will not be a through road with development of this project.
- M. That the granting of the adjustment will not result in any unreasonable costs in the maintenance of the improvement by the entity charged with such maintenance responsibility because the applicant will be required to provide a fire department turnaround (if additional improvements are required above the turnaround that currently exists).
- N. That the granting of the adjustment will not be detrimental to, nor degrade, any portion of the improvement work involved in the subdivision because the adjustment requires any additional improvements to the existing fire turnaround to be built or bonded for prior to recordation of the final map.

## **CONDITIONS - EXHIBIT B**

### **CICCHITELLI PARCEL MAP (SUB2012-00031/CO 12-0080)**

#### **Approved Project**

A Tentative Parcel Map (CO 12-0080) to subdivide an existing 25,530 square foot parcel into two parcels of 13,589 and 11,941 square feet each for the purpose of sale and/or development.

#### **Access and Improvements**

1. Roads and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
  - a. Grell Lane shall be constructed to Five Cities Fire Authority (FCFA) requirements within the existing offer of dedication and the road shall terminate in a standard cul-de-sac or other approved terminus.

#### **Offers, Easements, and Restrictions**

2. The applicant shall show the following restrictions by certificate on the map or by separate document:
  - a. If drainage basins are required, then the basin areas shall be indicated as a building restriction on the map.

#### **Improvement Plans**

3. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan (County Health).
  - d. Sewer plan (County Health).
  - e. Grading and erosion control plan for subdivision related improvement locations.
  - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
4. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
5. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

#### **Drainage**

6. Submit complete drainage calculations to the Department of Public Works for review and approval.

7. If calculations so indicate, drainage must be retained or detained in a shallow drainage basin on the property [Section 21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin(s) is to be maintained in perpetuity.
8. All project related drainage shall be designed and constructed in accordance with the recommendations of the Oceano Drainage and Flood Control Study.
9. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
  - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns
  - b. reserved as a drainage easement in favor of the owners and assigns.
10. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

### **Utilities**

11. All existing and future overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [Section 21.03.10(h)] and the pole removed.

### **Design**

12. The existing wood deck on Parcel 2 shall be removed or brought into conformance with the Land Use Ordinance prior to filing the final parcel or tract map. A demolition permit may be required.

### **Fire Protection**

13. The applicant shall obtain a fire safety clearance letter from the Five Cities Fire Authority (FCFA) establishing fire safety requirements prior to filing the final parcel or tract map.

### **Parks and Recreation (Quimby) Fees**

14. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

### **Easements**

15. The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.

### **Landscape Plans**

16. ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Chapter 22.16/Section 23.04.180 et seq. to the Department of Planning and Building for review and approval prior to approval of improvement plans or filing of the final parcel or tract map, whichever occurs first. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
  - a. Landscaping for erosion control.

17. All approved landscaping shall be installed or bonded for prior to completion of the improvements or filing of the final parcel or tract map whichever occurs first, and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 90 days of completion of the improvements.

#### **Additional Map Sheet**

18. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If a drainage basin is required, that the owner(s) of lot(s) 1 and 2 are responsible for on-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
  - b. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
  - c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
  - d. Notification to prospective buyers that streets/roads within the subdivision are to be privately maintained, indicating the proposed maintenance mechanism.
  - e. **Prior to issuance of construction permits**, the applicant shall submit a Phase II archaeological investigation conducted by a qualified archaeologist approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities associated with development of the two parcels (e.g. access roads, driveways, residences, utility trenches). The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator, including Phase III data recovery sampling as appropriate. This plan shall evaluate and document existing cultural resources and provide mitigation measures for all site disturbance and grading associated with the development.
  - f. **Prior to issuance of construction permits**, if recommended as a result of the Phase II evaluation, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Heritage Discoveries, 1995). The Phase III program shall include at least the following:
    1. standard archaeological data recovery practices;
    2. recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
    3. identification of location of sample sites/test units;
    4. detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
    5. disposition of collected materials;
    6. proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
    7. list of personnel involved in sampling and analysis.
  - g. **Prior to issuance of construction permits**, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work as identified in the Phase III program has been completed.

- h. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
  - 1. List of personnel involved in the monitoring activities;
  - 2. Description of how the monitoring shall occur;
  - 3. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - 4. Description of what resources are expected to be encountered;
  - 5. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - 6. Description of procedures for halting work on the site and notification procedures;
  - 7. Description of monitoring reporting procedures.
- h. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
- i. **Prior to final inspection of construction permits and upon completion of all monitoring/mitigation activities**, the consulting archaeologist shall submit a final report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

*Air Quality*

- j. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
  - 1. Reducing the amount of disturbed area when possible.
  - 2. Using water trucks and sprinkler systems to prevent dust from leaving the site.
  - 3. Dirt stockpiles sprayed daily and as needed.
  - 4. Driveways and sidewalks paved as soon as possible.
- k. Developmental burning of vegetative material within San Luis Obispo County is prohibited. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.
- l. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. Prior to construction permit issuance, such devices shall be shown on all applicable plans, and installed as approved by the county.

**Covenants, Conditions and Restrictions**

- 19. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval and recordation along with the map. The CC&R's shall provide for, at a minimum, the following provisions:

- a. If a drainage basin is required, on-going maintenance of drainage basin/ adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of all streets/roads within the subdivision in perpetuity.
- c. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

#### **Miscellaneous**

20. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
21. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map.
22. **Prior to recordation of the final map**, all development on the site will be brought into conformance with Land Use Ordinance standards.



STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING  
COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.

15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.